



Staining below outfall 001 in the receiving stream.



Solids in the aerator



Solids in the aerator



Solids in the aerator



Sludge return



Excessive nitrification in the clarifier



Excessive nitrification in the clarifier



Contact chamber. No chlorine tablet in place.



Post aeration and de-cl₂ chamber

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

May 17, 2019

Certified No. 7014 0510 0002 3570 7686
Return Receipt Requested

Allen Artis
PO Box 541
Benton, KY 42025

Re: Notice of Violation
AI ID: 3041
AI Name: Great Oaks Subd
Activity ID: ENV20190002
Permit No. KY0080845
McCracken County, KY

Dear Mr. Artis:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

A rectangular box containing a handwritten signature in black ink. A small yellow question mark icon is visible in the top right corner of the box.

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Investigation Report; Notice of Violation

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Allen Artis
PO Box 541
Benton, KY 42025

AI Name: Great Oaks Subd **AI ID:** 3041 **Activity ID:** ENV20190002
Discovery ID: CIV20190001 **County:** McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/07/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000003041():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow has not been reported to the Division of Water. Overall condition of the plant and general housekeeping is very poor.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000003041():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two manholes on Majestic Oak Drive were overflowing. This overflow has not been reported to the Division of

Water.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO000003041():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing. This overflow has not been reported to the Division of Water.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

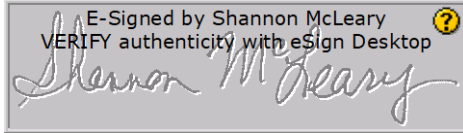
Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist

Issued By:



Jessie York, Environmental Scientist

Date: May 17, 2019



Issued By:

Shannon McLeary, Environmental Control Supervisor
Date: May 22, 2019

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 7686

Energy and Environment Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 2935 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Golden Acres Subd
AI Address: US 68

City: Sharpe, **State:** Kentucky **Zip:** 42025
County: Marshall **Regional Office:** Paducah Regional Office
Latitude: 36.972944 **Longitude:** -88.480861
Site Contact: Allen Artis
Title: Operator/Owner **Phone #:** 270-205-1266
Inspection Type: Incident Investigation **Activity #:** CIV20190001
Incident IDs: 2455342
Inspection Start Date: May 29, 2019 **Time:** 01:00 PM **End Date:** May 29, 2019 **Time:** 03:00 PM
Site/Permit ID: KY0044164

Lead DEP Investigator: Jessie York
Other DEP Investigators:
External Investigators:
Persons Interviewed:

General Comments: This investigation was conducted in response to incident number 2455342. The complainant reported sewage in a stream near the Golden Acres Subdivision waste water treatment plant.

The treatment plant was not in operation at the time of this investigation. The pump motor was not in place and the entire plant was septic. Water in the receiving stream below outfall 001 was black and had a strong sewage smell. The discharging water was also black.

I returned on 6/10/19 to check the status of the plant. No improvements had been made. The pump motor was still out of place. Based on pictures taken during my initial investigation on 5/29/19, it does not appear that any effort has been made to improve the facility. The plant was still septic.

No notifications have been submitted to the Division of Water. A Notice of Violation will be issued for the violations observed during this investigation.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO2935

SI Description:

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: C-No Violations observed

Comment: KY0044164

Expires: 1/31/20

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]. [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: Allen Artis

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:
(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;

(c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility is not being properly operated and maintained as required. The plant was not in operation at the time of this investigation. The pump motor was not in place. The entire plant was septic. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

I returned on 6/10/19 to check the status of the plant. No improvements had been made. The pump motor was still out of place. Based on pictures taken during my initial investigation on 5/29/19, it does not appear that any effort has been made to improve the facility. The plant was still septic.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The waters of the Commonwealth have been degraded. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

Requirement: Is the permittee in compliance with all permit conditions? [401 KAR 5:065 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to comply with the terms of the permit.

Documentation

- Photos taken**
- Documents obtained from facility**
- Samples taken by outside source**
- Request for Submission of Documents**

- Record of visual determination of opacity**
- Samples taken by DEP**
- Regional office instrument readings taken**
- Other documentation**

Inspector:



Date: 6/27/19

Received By: _____ **Title:** _____ **Date:** _____

Delivery Method: Certified Mail
Certified Mail Number: 7014 0510 0002 3570 7693

Golden Acres
AI: 2935
Investigation ID: 2455342

by York, Jessie (EEC)

5/29/19

Follow-Up visit on 6/10/19



5/29/19
Upstream of outfall 001



5/29/19
Outfall 001



5/29/19
Downstream of Outfall 001



5/29/19
Downstream of Outfall 001



5/29/19
Downstream of Outfall 001



5/29/19
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5/29/19
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5/29/19
Downstream of Outfall 001



5/29/19
Downstream of Outfall
001



5/29/19
Downstream of Outfall
001



5/29/19
Downstream of Outfall
001



5/29/19
Blower motor disconnected



5/29/19
Aeration basin



5/29/19
Aeration basin



5/29/19
Aeration basin



5/29/19
Clarifier



5/29/19

Blower motor disconnected



5/29/19
Blower motor disconnected



6/10/19
Aeration basin



6/10/19
Motor still
disconnected



6/10/19
Motor still disconnected



6/10/19
Motor still disconnected

Fox Run Subd
Mr. Lawrence W Smither
PO Box 91588
Louisville, KY 40291

**COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement**

NOTICE OF VIOLATION

To: Fox Run Subd
Mr. Lawrence W Smither
PO Box 91588
Louisville, KY 40291

AI Name: Fox Run Subd **AI ID:** 1388 **Activity ID:** ENV20190002
County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/22/2019

This is to advise that you are in violation of the provisions cited below:

- 1 Violation Description for Subject Item AIOO0000001388():**
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the February 2019 monitoring period, for the following monitoring point(s): 001-1.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director Date: June 4, 2019

Energy and Environment Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 3041 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Great Oaks Subd
AI Address: Creek Side Dr

City: Paducah, **State:** Kentucky **Zip:** 42001
County: McCracken **Regional Office:** Paducah Regional Office
Latitude: 36.97991 **Longitude:** -88.64363
Site Contact: Allen Artis
Title: Owner/Operator **Phone #:** 270-205-1571
Inspection Type: Incident Investigation **Activity #:** CIV20190002
Incident IDs: 2455861
Inspection Start Date: June 7, 2019 **Time:** 01:30 PM **End Date:** June 7, 2019 **Time:** 02:00 PM
Site/Permit ID: KY0080845

Lead DEP Investigator: Jessie York
Other DEP Investigators:
External Investigators:
Persons Interviewed: Allen Artis

General Comments: Investigation conducted in response to Incident ID: 2455861. The complainant reported an overflowing manhole on Majestic Oak Drive.

The main influent lift station was full of solids and not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. The manholes are located at 5730 and 5700 Majestic Oak Drive. This overflow has not been reported to the Division of Water. I informed owner/operator Allen Artis of the overflow via phone at the time of the investigation.

No chlorine tablets were in the disinfection chamber. Staining was observed in the receiving stream below outfall 001. Overall condition of the plant and general housekeeping is very poor.

A Notice of Violation will be issued and added the existing Enforcement Referral.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO3041

SI Description:

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility does not hold an active KPDES permit. KY0080845

Permit expired on April 30, 2017.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:
(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two manholes on Majestic Oak Drive were overflowing.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

Documentation

- Photos taken
- Documents obtained from facility
- Samples taken by outside source
- Request for Submission of Documents
- Record of visual determination of opacity
- Samples taken by DEP
- Regional office instrument readings taken
- Other documentation

Inspector:



Date: 7/1/19

Received By: _____ **Title:** _____ **Date:** _____

Delivery Method: Certified Mail

Certified Mail Number: 7014 0510 0002 3570 7709

Great Oaks
AI: 3041
Incident ID: 2455861

by York, Jessie (EEC)

6/7/19



Manhole at 5730 Majestic Oak Drive



Manhole at 5730
Majestic Oak Drive



Manhole at 5730 Majestic Oak Drive



Manhole at 5700
Majestic Oak Drive



Manhole at 5700
Majestic Oak
Drive



Failed lift station



Failed lift station
full of solids



Solids on the side of
the plant



Treatment plant





Staining in the receiving stream



Treatment plant



Solids in the aeration basin



Sludge return



Clarifier



Contact chamber



Post aeration and de-cl2 chamber

Energy and Environment Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 3041 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Great Oaks Subd
AI Address: Creek Side Dr

City: Paducah, **State:** Kentucky **Zip:** 42001
County: McCracken **Regional Office:** Paducah Regional Office
Latitude: 36.97991 **Longitude:** -88.64363
Site Contact: Allen Artis
Phone #: 270-205-1266
Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20190002
Incident IDs:
Inspection Start Date: June 19, 2019 **Time:** 11:30 AM **End Date:** June 19, 2019 **Time:** 12:00 PM
Site/Permit ID: KY0080845

Lead DEP Investigator: Jessie York
Other DEP Investigators: Zachary Campbell
External Investigators:
Persons Interviewed: Allen Artis

General Comments: Inspection conducted to evaluate compliance with KPDES permit KY0080845. This permit expired on April 30, 2017.

The main influent lift station was full of solids and not functioning at the time of this inspection. The manhole at 5730 was overflowing. This overflow has not been reported to the Division of Water. I informed owner/operator Allen Artis of the overflow via phone at the time of the inspection.

No chlorine tablets were in the disinfection chamber. Staining was observed in the receiving stream below outfall 001. Overall condition of the plant and general housekeeping is very poor.

A Notice of Violation will be issued and added the existing Enforcement Referral.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO3041

SI Description:

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility does not hold an active KPDES permit. KY0080845

Permit expired on April 30, 2017.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:
(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two manholes on Majestic Oak Drive were overflowing.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]. [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: Allen Artis

Documentation

- Photos taken**
- Documents obtained from facility**
- Samples taken by outside source**
- Request for Submission of Documents**
- Record of visual determination of opacity**
- Samples taken by DEP**
- Regional office instrument readings taken**
- Other documentation**

Inspector:



Date: 7/25/19

Received By: _____ **Title:** _____ **Date:** _____

Delivery Method: Certified Mail

Certified Mail Number: 7014 0510 0002 3570 7723

This document represents the request via an electronic submittal. The details associated with transaction, including payment information, are as follows:

Payment ID: 99882
Payment Date: 06/25/2019
Amount Paid: \$3,200.00
Bill Company Name: Martin Cogan
Bill Person Name: ,
Bill Address: 1007 Doric Circle
Bill City, State, Zip: Louisville, KY, 40205
Last 4 Numbers: 1386
Name on Account: Martin Cogan

Details:

AI ID: 1388
Name: Fox Run Subd
ID: 228810
Amount: \$3,200.00
Credit Card Fee:
Desc: KPDES complete fee intermed nonPOTW



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

June 19, 2019

Certified Mail # 7005 3110 0002 2395 2545

Lawrence W. Smither or Martin G. Cogan
Fox Run Subdivision
PO Box 91588
Louisville, KY 40291

Re: KPDES Application Notice of Deficiency
KPDES No.: KY0086967
AI ID: 1388
Franklin County, Kentucky

Dear Mr. Smither and/or Mr. Cogan:

On May 24, 2018, June 19, 2018 and September 26, 2019, the Division of Water (DOW) issued a Notice of Deficiency (NOD) for the above referenced KPDES application. The NOD required submittal of the missing information within 30 days of the date of the letter. To date, these deficiencies remain unresolved. Therefore, unless the necessary information is submitted within 7 days of the date of this letter (your \$3,200.00 Application Renewal Fee), DOW shall terminate application review, return the application to you, and retain any filing fee paid as per 401 KAR 5:300, Section 2(2).

Once review has been terminated, a new application shall be submitted to restart the KPDES application process. {Failure to submit a complete and timely renewal application prior to the expiration of the current permit shall result in the termination of the permit. Continuing to discharge under a terminated permit is equivalent to discharging without a permit, thereby exposing you to administrative and civil penalties up to a maximum of \$25,000.00 per day the violation goes unabated.}

I am attaching a copy of the original Notice of Deficiency for your convenience. If you have any questions concerning this request, please contact me at (502) 782-6968 or by e-mail at Krystal.Harrod@ky.gov.

Sincerely,

Krystal Harrod
Surface Water Permits Branch
Division of Water

Cc: ARM



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

September 26, 2018

Lawrence Smither
Hunters Trace
PO Box 91588
Louisville, KY 40291

Re: KPDES Application Notice of Deficiency
KPDES No.: KY0086967
AI ID: 1388
Franklin County, Kentucky

Dear Mr. Smither:

On June 19, 2018 the Division of Water (DOW) issued a Notice of Deficiency (NOD) for the above referenced KNDOP application. The NOD required submittal of the missing information within 30 days of the date of the letter. To date, these deficiencies remain unresolved. Therefore, unless the necessary information is submitted within 15 days of the date of this letter, DOW shall terminate application review, return the application to you, and retain any filing fee paid as per 401 KAR 5:300, Section 2(2).

Once review has been terminated, a new application shall be submitted to restart the KNDOP application process. {Failure to submit a complete and timely renewal application prior to the expiration of the current permit shall result in the termination of the permit. Continuing to discharge under a terminated permit is equivalent to discharging without a permit, thereby exposing you to administrative and civil penalties up to a maximum of \$25,000.00 per day the violation goes unabated.}

I am attaching a copy of the original Notice of Deficiency for your convenience. If you have any questions concerning this request, please contact me at (502) 782-7002 or by e-mail at Erin.Lawson@ky.gov.

Sincerely,

Erin Lawson
Surface Water Permits Branch
Division of Water

Cc: Enclosures



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

May 24, 2018

Lawrence Smither
Hunters Trace
PO Box 91588
Louisville, KY 40291

Re: KPDES Application Notice of Deficiency
KPDES No.: KY0086967
AI ID: 1388
Franklin County, Kentucky

Dear Mr. Smither:

Your Kentucky Pollutant Discharge Elimination System (KPDES) permit application for the above-referenced facility was received by the Division of Water on May 23, 2018. A completeness review of your permit application has been conducted and the application has been determined to be incomplete. Please complete the deficiencies listed below and return to me at the following address within fifteen (15) days of the date of this letter.

**Division of Water, Surface Water Permits Branch
ATTN: Ms. Erin Lawson
300 Sower Blvd, 3rd Floor
Frankfort, Kentucky 40601**

1. The forms submitted were last revised in 1999. The Division of Water no longer accepts these forms. Please submit the latest version of Form 1 (Revised February 2009) and Form SC (Revised July 2011). The **latest version of these forms** can be found at the following link. (<http://water.ky.gov/permitting/Pages/WastewaterDischarge.aspx>)

The following items needs to be corrected on the **new versions of the form**

1. Please complete Primary Contact Name & Title on Form 1 Section C.
2. Please submit a US Geological Survey quadrangle map for the site with the facility clearly marked.
3. Please provide DMR Contact Name & Phone Number on Form 1 Section VI-B. Name and contact information for the party responsible for submitting DMRs is required.
4. Please complete the Certification on Form 1 Section VIII. Please verify the person signing the form meets the certification requirements per the instructions.
5. Please provide Cooling Water Additives and Their Components on Form SC Section XI. If there are none, a response of N/A is sufficient.
6. Please complete the Certification on Form SC Section XIII. Please verify the person signing the form meets the certification requirements per the instructions.
7. As of June 28, application fee requirements have changed. The entire permit fee is now due at the time of submittal. Please submit the permit fee of \$3200. Please make the check payable to the Kentucky State Treasurer. If you have any questions regarding fees or wish to pay online, please contact me at the number below.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

Failure to respond within thirty (30) days may result in the Cabinet returning your application to you and retaining filing fees that have been paid, as per 401 KAR 5:300, Section 2(2). If you have any questions concerning this request, please contact me at (502) 782-7002 or by e-mail at Erin.Lawson@ky.gov.

Sincerely,

A handwritten signature in cursive script that reads "Erin Lawson".

Erin Lawson
Surface Water Permits Branch
Division of Water

Cc: TEMPO



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

July 18, 2019

Mr. Lawrence W. Smither
P.O. Box 91588
Louisville, KY 40291

RE: **Public Notice of Draft KPDES Permit Notification**
Agency Interest Number (AI #): 1388
KPDES Permit #: KY0086967 – Fox Run Subdivision
Location: Franklin

Dear Mr. Smither:

A draft Kentucky Pollutant Discharge Elimination System (KPDES) permit for the above-referenced facility has been completed and the information sent to public notice, as per Regulation 401 KAR 5:075, Sections 3 and 5. Copies of the public notice, draft permit, and fact sheet and application can be found at: http://dep.gateway.ky.gov/eSearch/Search_Pending_Approvals.aspx?NumDaysDoc=30&Program=Wastewater. Comments on the draft permit must be received by the comment due date on the public notice.

The close of the public notice period is August 16, 2019.

If you have any questions, please contact me at (502) 782-7137.

Sincerely,

Ann S. Workman
Surface Water Permits Branch
Division of Water



MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

June 21, 2019

Certified No. 7014 0510 0002 3570 7693
Return Receipt Requested

Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025

Re: Notice of Violation
AI ID: 2935
AI Name: Golden Acres Subd
Activity ID: ENV20190001
Permit No. KY0044164
Marshall County, KY

Dear Mr. Artis:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Jessie York". A small yellow question mark icon is located in the top right corner of the box.

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Inspection Report; Notice of Violation

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025

AI Name: Golden Acres Subd **AI ID:** 2935 **Activity ID:** ENV20190001
Discovery ID: CIV20190001 **County:** Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/29/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000002935():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The plant was not in operation at the time of this investigation. The pump motor was not in place. The entire plant was septic. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

I returned on 6/10/19 to check the status of the plant. No improvements had been made. The pump motor was still out of place. Based on pictures taken during my initial investigation on 5/29/19, it does not appear that any effort has been made to improve the facility. The plant was still septic.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000002935():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this

chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000002935():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2].

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Water in the receiving stream below outfall 001 was black and had a strong sewage smell.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

4 Violation Description for Subject Item AIOO0000002935():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(l)(6)]

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of

Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000002935():

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and KRS 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [401 KAR 5:065 Section 2] as in [40 C.F.R. 122.41(a)]

Description of Non Compliance:

The facility has failed to comply with the terms of the permit.

The remedial measure(s), and date(s) to be completed by are as follows:

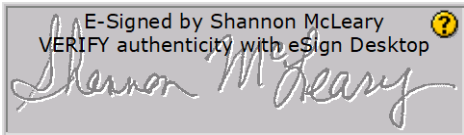

Comply with all conditions of the KPDES permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist

Issued By:  
Jessie York, Environmental Scientist
Date: June 27, 2019

Issued By:  
Shannon McLeary, Environmental Control Supervisor
Date: June 27, 2019

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 7693

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

June 21, 2019

Certified No. 7014 0510 0002 3570 7709
Return Receipt Requested

Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025

Re: Notice of Violation
AI ID: 3041
AI Name: Great Oaks Subd
Activity ID: ENV20190003
Permit No. KY0080845
McCracken County, KY

Dear Mr. Artis:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie York", with a yellow question mark icon in the top right corner of the signature box.

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Inspection Report; Notice of Violation

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025

AI Name: Great Oaks Subd **AI ID:** 3041 **Activity ID:** ENV20190003
Discovery ID: CIV20190002 **County:** McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/07/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000003041():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000003041():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two

manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000003041():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

4 Violation Description for Subject Item AIOO0000003041():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(l)6]

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000003041():

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

The remedial measure(s), and date(s) to be completed by are as follows:

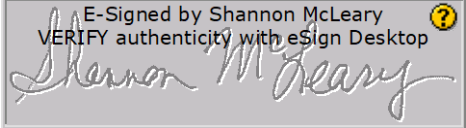
The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist

Issued By: 
Jessie York, Environmental Scientist
Date: June 27, 2019

Issued By: 
Shannon McLeary, Environmental Control Supervisor
Date: June 27, 2019

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 7709

3. BACKGROUND: Please describe the circumstances leading up to this referral. Please include any past history of violations.

An NOV was issued by the Compliance and Operations Branch on 4/23/19 for the following effluent limitation violations. Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, Outfall 001-2, for Total Ammonia Nitrogen (TAN) during the 2nd Qtr (Apr - Jun) 2016; and 3rd Qtr (Jul - Sept) 2017. The permitted limits for TAN Loading during the months of May through October are a monthly average of 0.83 lbs/day and a maximum weekly average of 1.25 lbs/day. The reported results were a monthly average of 1.726 lbs/day and a maximum weekly average of 1.726 lbs/day for the 2nd Qtr (Apr - Jun) 2016.

The permitted limits for TAN Concentration during the months of May through October are a monthly average of 4 mg/l and a maximum weekly average of 6 mg/l. The reported results were a monthly average of 23 mg/l and a maximum weekly average of 23 mg/l for the 2nd Qtr (Apr - Jun) 2016; and a monthly average of 7.7 mg/l and a maximum weekly average of 7.7 mg/l for the 3rd Qtr (Jul - Sept) 2017.

Paducah Regional Office conducted an investigation on 5/29/19 in response to incident number 2455342. The complainant reported sewage in a stream near the Golden Acres Subdivision waste water treatment plant.

The treatment plant was not in operation at the time of this investigation. The pump motor was not in place and the entire plant was septic. Water in the receiving stream below outfall 001 was black and had a strong sewage smell. The discharging water was also black.

I returned on 6/10/19 to check the status of the plant. No improvements had been made. The pump motor was still out of place. Based on pictures taken during my initial investigation on 5/29/19, it does not appear that any effort has been made to improve the facility. The plant was still septic. A Notice of Violation was issued for the observed violations.

4. Case Chronology (list starting with oldest and ending with most recent)

| <u>Date</u> | <u>Action</u> | <u>Comments</u> |
|-------------|---------------|--|
| 4/23/19 | NOV | NOV issued by the Division of Enforcement |
| 5/29/19 | Investigation | Facility was out of compliance |
| 6/27/19 | NOV | NOV issued for failure to operate and maintain the treatment facility. Degrading surface waters. Failure to report a bypass. |

5. DESIRED OUTCOME: Please describe the actions that [Golden Acres Subd](#) must take to return to compliance.

- Cease all discharges which may degrade the waters of the Commonwealth
- Comply with all conditions of KPDES permit number KY0044164

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

July 5, 2019

Certified No. 7014 0510 0002 3570 7723
Return Receipt Requested

Mr. Allen Artis
PO Box 541
Benton, KY 42025

Re: Notice of Violation
AI ID: 3041
AI Name: Great Oaks Subd
Activity ID: ENV20190004
Permit No. KY0080845
McCracken County, KY

Dear Mr. Artis:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie York", enclosed in a rectangular box. A small yellow question mark icon is visible in the top right corner of the box.

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Inspection Report; Notice of Violation

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Allen Artis
PO Box 541
Benton, KY 42025

AI Name: Great Oaks Subd **AI ID:** 3041 **Activity ID:** ENV20190004
Discovery ID: CIN20190002 **County:** McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/19/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000003041():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.[401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000003041():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000003041():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

4 Violation Description for Subject Item AIOO0000003041():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(l)6]

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000003041():

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system

with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

6 Violation Description for Subject Item AIOO0000003041():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. Two manholes on Majestic Oak Drive were overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

7 Violation Description for Subject Item AIOO0000003041():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Two

manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

8 Violation Description for Subject Item AIOO0000003041():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Two manholes on Majestic Oak Drive were overflowing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

9 Violation Description for Subject Item AIOO0000003041():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(l)(6)]

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

1 Violation Description for Subject Item AIOO0000003041():

0

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

The remedial measure(s), and date(s) to be completed by are as follows:

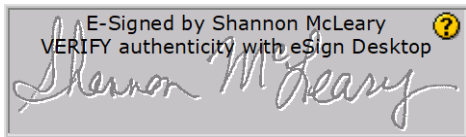

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist

Issued By:  
Jessie York, Environmental Scientist
Date: July 5, 2019

Issued By:  
Shannon McLeary, Environmental Control Supervisor
Date: July 5, 2019

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 7723

Energy and Environment Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 3041 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Great Oaks Subd
AI Address: Creek Side Dr

City: Paducah, **State:** Kentucky **Zip:** 42001
County: McCracken **Regional Office:** Paducah Regional Office
Latitude: 36.97991 **Longitude:** -88.64363
Site Contact: Allen Artis
Title: Owner/Operator **Phone #:** 270-205-1571
Inspection Type: Incident Investigation **Activity #:** CIV20190003
Incident IDs: 2457283
Inspection Start Date: July 9, 2019 **Time:** 03:00 PM **End Date:** July 9, 2019 **Time:** 03:30 PM
Site/Permit ID: KY0080845

Lead DEP Investigator: Jessie York
Other DEP Investigators:
External Investigators:
Persons Interviewed: Allen Artis

General Comments: Investigation conducted in response to Incident ID: 2457283. The complainant reported an overflowing manhole on Majestic Oak Drive.

The main influent lift station was full of solids and not functioning at the time of this investigation. Discharge was observed from around the lift station casing. The manhole at 5730 Majestic Oak Drive was overflowing. This overflow has not been reported to the Division of Water. I informed owner/operator Allen Artis of the overflow via phone at the time of the investigation.

The plant was septic and did not appear to be providing adequate treatment. Black Willow and Sycamore trees were growing in the aerator. No chlorine tablets were in the disinfection chamber. Overall condition of the plant and general housekeeping is very poor. A Notice of Violation will be issued and added the existing Enforcement Referral.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO3041

SI Description:

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility does not hold an active KPDES permit. KY0080845
Permit expired on April 30, 2017.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:

(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;
(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;
(c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. The manhole at 5730 Majestic Oak Drive was overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The manhole at 5730 Majestic Oak Drive was overflowing. The main lift station was discharging from the casing.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The manhole at 5730 Majestic Oak Drive was overflowing. The main lift station was discharging from the casing.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

Documentation

- | | |
|--|--|
| <input checked="" type="checkbox"/> Photos taken | <input type="checkbox"/> Record of visual determination of opacity |
| <input type="checkbox"/> Documents obtained from facility | <input type="checkbox"/> Samples taken by DEP |
| <input type="checkbox"/> Samples taken by outside source | <input type="checkbox"/> Regional office instrument readings taken |
| <input type="checkbox"/> Request for Submission of Documents | <input type="checkbox"/> Other documentation |

Inspector:



Date: 7/26/19

Received By: _____ Title: _____ Date: _____

Delivery Method: Certified Mail

Certified Mail Number: 7014 0510 0002 3570 7747

Great Oaks Subdivision

AI: 3041

by York, Jessie (EEC)

7/9/19



Manhole at 5730 Majestic Oak Drive overflowing.



Manhole at 5730 Majestic Oak Drive overflowing.



Manhole at 5730
Majestic Oak Drive
overflowing.



Manhole at 5730
Majestic Oak Drive
overflowing.



Lift station full of solids



Lift station full of solids



Discharge from the lift station casing



Downstream from the overflowing manhole.



Downstream from
the overflowing
manhole.



Trees growing in the aeration chamber



Septic plant



Black Willow tree
growing in the aerator.



Sludge return



Aerator



Clarifier



Contact chamber no cl2
tablets in place



Post aeration and discharge.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
9116 LEESGATE ROAD
LOUISVILLE KY 40222-5004

ANTHONY R. HATTON
COMMISSIONER

July 17, 2019

Certified No. 7018 1130 0002 2666 5651
Return Receipt Requested

Mr. Lawrence Smither
P.O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 458
AI Name: Lake Columbia Utilities Inc
Activity ID: ENV20190001
Permit No. KY0077674
Bullitt County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Joseph (Jody) Eilers,
Environmental Scientist II
Division of Water

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Lawrence Smither
P.O. Box 91588
Louisville, KY 40291

AI Name: Lake Columbia Utilities Inc **AI ID:** 458 **Activity ID:** ENV20190001
Discovery ID: CIN20190001 **County:** Bullitt
Date(s) Violation(s) Observed: 06/27/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000000458:

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1) as in 40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required.

The facility was in disrepair. There were multiple pinholes to fist sized holes throughout the system. During heavy flow events the waters flow through the holes as evident by debris on the ground and hanging out of the holes. Solids have also entered the receiving stream. Solids and debris were noted throughout the entire system.

The bar screen was missing and the aeration basin had an island of solids and debris floating on the surface. The waters were grey and septic. The aeration blowers were not working at the time of the inspection. A new blower motor was in the process of being installed. The clarifier effluent channel was held together with wood and clamps. There were solids in the clarifier. There were solids in the chlorine contact basin.

Poor housekeeping was noted at the time of the inspection. There were empty containers strewn throughout the site and a garbage can was overflowing with debris.

The permittee has failed to report spills, bypasses, and non-compliance as required by 401 KAR 5:065 Section 2(1). Visual observations at the time of the inspection noted that solids have entered the receiving stream without a corresponding notification to the Division of Water. The facility inspection log noted that the blowers were not operational on June 17, 2019 due to a broken belt. The Division of Water was not notified of the situation until June 27, 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, or by August 19, 2019, the permittee

shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO000000458:

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Even though the final effluent was fairly clear there were solids on the ground around the discharge pipe and pools of grey water were noted in the stream near the discharge pipe.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, or by August 19, 2019, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO000000458:

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2].

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Even though the final effluent was fairly clear there were solids on the ground around the discharge pipe and pools of grey water were noted in the stream near the discharge pipe.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, or by August 19, 2019, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

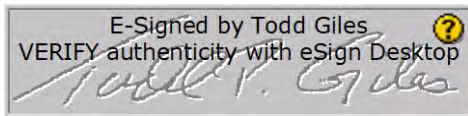
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222
502-429-7122 (8:00 AM – 4:30 PM)
Joseph (Jody) Eilers, Environmental Scientist II

An e-signature box for Jody Eilers. It contains a handwritten signature in grey ink. Above the signature, it says "E-Signed by Jody Eilers" and "VERIFY authenticity with eSign Desktop". There is a small yellow question mark icon in the top right corner of the box.

Issued By: Joseph (Jody) Eilers, Environmental Scientist II
Date: July 17, 2019

An e-signature box for Todd Giles. It contains a handwritten signature in grey ink. Above the signature, it says "E-Signed by Todd Giles" and "VERIFY authenticity with eSign Desktop". There is a small yellow question mark icon in the top right corner of the box.

Issued By: Todd Giles, Environmental Control Supervisor
Date: July 17, 2019

How Delivered: Certified Mail Certified/Registered # 7018 1130 0002 2666 5651

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

July 25, 2019

Certified No. 7014 0510 0002 3570 7747
Return Receipt Requested

Mr. Allen Artis
P.O. Box 431
Benton, KY 42025

Re: Notice of Violation
AI ID: 3041
AI Name: Great Oaks Subd
Activity ID: ENV20190005
Permit No. KY0080845
McCracken County, KY

Dear Mr. Artis:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Jessie York". A small yellow question mark icon is visible in the top right corner of the box.

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Investigation Report, Notice of Violation

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Allen Artis
P.O. Box 431
Benton, KY 42025

AI Name: Great Oaks Subd **AI ID:** 3041 **Activity ID:** ENV20190005
Discovery ID: CIV20190003 **County:** McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 07/09/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000003041():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(e)]

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The main influent lift station was not functioning at the time of this investigation. The manhole at 5730 Majestic Oak Drive was overflowing. This overflow had not been reported to the Division of Water at the time of this investigation. Overall condition of the plant and general housekeeping is very poor.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000003041():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The manhole at 5730 Majestic Oak Drive was overflowing. The main lift station was discharging from the casing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000003041():

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The manhole at 5730 Majestic Oak Drive was overflowing. The main lift station was discharging from the casing.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

4 Violation Description for Subject Item AIOO0000003041():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(l)6]

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000003041():

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system

with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. Chlorine tablets were not in place.

The remedial measure(s), and date(s) to be completed by are as follows:

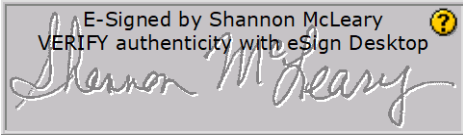

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist

Issued By:  
Jessie York, Environmental Scientist
Date: July 25, 2019

Issued By:  
Shannon McLeary, Environmental Control Supervisor
Date: July 25, 2019

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 7747

Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

**COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement**

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20190002
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/27/2019

This is to advise that you are in violation of the provisions cited below:

- 1 Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. 2.2 mg/L; and concentration max. weekly avg. 2.2 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 2 Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly

avg., less than or equal to 4 mg/L. The facility reported the following: concentration monthly avg. 5.6 mg/L for July 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. 1.27 mg/L; and concentration max. weekly avg. 1.27 mg/L for October 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

4 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .2 mg/L; and concentration max. weekly avg. .2 mg/L for February 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

5 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for February 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

6 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: loading monthly avg. 3.002 lbs/day; and concentration monthly avg. 60 mg/L; and concentration max. weekly avg. 60 mg/L for November 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 1 lbs/day; and concentration monthly avg., less than or equal to 10 mg/L; and concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: loading monthly avg. 1.041 lbs/day; and concentration monthly avg. 31.2 mg/L; and concentration max. weekly avg. 31.2 mg/L for December 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

8 Violation Description for Subject Item AIOO0000000458():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for December 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 9 Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. 2.2 mg/L; and concentration max. weekly avg. 2.2 mg/L for January 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 1 Violation Description for Subject Item AIOO0000000458():

0

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 45 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 1 Violation Description for Subject Item AIOO0000000458():

1

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 10 mg/L; and concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 40.1 mg/L; and concentration max. weekly avg. 40.1 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 1 Violation Description for Subject Item AIOO0000000458():

2

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for November 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

3

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day; and concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: loading monthly avg. 5.004 lbs/day; and loading max. weekly avg. 5.004 lbs/day; and concentration monthly avg. 60 mg/L; and concentration max. weekly avg. 60 mg/L for February 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

4

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 54 mg/L; and concentration max. weekly avg. 54 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

5

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 1 lbs/day; and loading max. weekly avg., less than or equal to 1.5 lbs/day; and concentration monthly avg., less than or equal to 10 mg/L; and concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: loading monthly avg. 2.008 lbs/day; and loading max. weekly avg. 2.008 lbs/day; and concentration monthly avg. 34.4 mg/L; and concentration max. weekly avg. 34.4 mg/L for January 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

6

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0077674, during the April 2019 monitoring period, for the following monitoring point(s): 001-1.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

7

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0077674, during the June 2019 monitoring period, for the following monitoring point(s): 001-1.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000000458():

8

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such

waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0077674, during the May 2019 monitoring period, for the following monitoring point(s): 001-1.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:
Michael B. Kroeger, Director
Date: December 19, 2019

Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

**COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement**

NOTICE OF VIOLATION

To: Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20190002
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/27/2019

This is to advise that you are in violation of the provisions cited below:

- 1 Violation Description for Subject Item AIOO0000002935():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 2420 MPN/100 mL; and concentration 7-day geometric 2420 MPN/100 mL for December 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 2 Violation Description for Subject Item AIOO0000002935():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0044164, during the March 2019 monitoring period, for the following monitoring point(s): 001-2.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000002935():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0044164, during the June 2019 monitoring period, for the following monitoring point(s): 001-2.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 19, 2019

Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

**COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement**

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20190001

County: Shelby

Enforcement Case ID:

Date(s) Violation(s) Observed: 09/27/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 198 MPN/100 mL; and concentration 7-day geometric 330 MPN/100 mL for November 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: concentration monthly avg. 10.6 mg/L; and concentration daily max. 10.8 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 11.8 lbs/day; and concentration monthly avg., less than or equal to 10 mg/L. The facility reported the following: loading monthly avg. 12.68 lbs/day; and concentration monthly avg. 13 mg/L for December 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

4 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: concentration monthly avg. 5.2 mg/L; and concentration daily max. 10.2 mg/L for January 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

5 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration daily max., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. 1.19 mg/L; and concentration daily max. 1.49 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

6 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 10 mg/L. The facility reported the following: concentration monthly avg. 12 mg/L for April 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 5.9 lbs/day; and loading max. weekly avg., less than or equal to 8.9 lbs/day; and concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: loading monthly avg. 10.53 lbs/day; and loading max. weekly avg. 21.05 lbs/day; and concentration monthly avg. 13.5 mg/L; and concentration daily max. 13.5 mg/L for February 2019.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

8 Violation Description for Subject Item AIOO0000003955():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 5.9 lbs/day; and concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: loading monthly avg. 6.222 lbs/day; and concentration monthly avg. 6.4 mg/L; and concentration daily max. 7.7 mg/L for December 2018.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 19, 2019



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH, KY, 42003

November 21, 2019

Bluegrass Water Utility Operating Company LLC
Great Oaks WWTP
500 Northwest Plaza Drive
St. Ann, MO 63074

RE: Great Oaks WWTP -- 3041
Permit No.: KY0080845
McCracken County, Kentucky
Activity ID: CIN20190003

Dear Bluegrass Water Utility Operating Company LLC:

Attached for your information and records is a copy of the WW CEI-Minor Non-Mun performed at Great Oaks WWTP on November 12, 2019.

Please review this inspection report carefully and take note of any comments and address all concerns identified. A follow up inspection may be conducted to evaluate remedial measures.

If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

Sincerely,

 Recoverable Signature

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH, KY, 42003

November 21, 2019

Bluegrass Water Utility Operating Company LLC
Great Oaks WWTP
500 Northwest Plaza Drive
St. Ann, MO 63074

RE: Great Oaks WWTP -- 3041
Permit No.: KY0080845
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If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

Sincerely,

A handwritten signature in black ink that reads "Zachary Campbell".

Zachary Campbell
Environmental Inspector
Paducah Regional Office
Division of Water

Enclosure: Inspection Report

Energy and Environment Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 3041 **AI Type:** SANI-Wastewater Treatment & Collection (2213)
AI Name: Great Oaks WWTP
AI Address: Creekside Dr

City: Paducah, **State:** Kentucky **Zip:** 42001
County: McCracken **Regional Office:** Paducah Regional Office
Latitude: 36.986158 **Longitude:** -88.638298
Site Contact: Todd Teas
Title: Certified Operator **Phone #:** 270-564-8574
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20190003
Incident IDs:
Inspection Start Date: November 12, 2019 **Time:** 01:00 PM **End Date:** November 12, 2019 **Time:** 02:00 PM
Site/Permit ID: KY0080845

Lead DEP Investigator: Zachary Campbell
Other DEP Investigators:
External Investigators:
Persons Interviewed: Todd Teas; Zach Roach; Terry Merritt

General Comments: On November 12, 2019 a compliance evaluation inspection was conducted in accordance with KPDES Permit KY0080845 at Great Oaks WWTP in Paducah, KY. This inspection was scheduled in advance with certified operator Todd Teas. Operator Zach Roach and Todd Teas were both present during the inspection. Terry Merritt, of Bluegrass Water, was contacted for access for records to review after the inspection.

The Groundwater Protection Plan (GPP), lab analysis and chain of custody documents, and DMRs were not available for review for the inspection. DMRs were reviewed in the office. Dissolved Oxygen and Nitrogen limits were both exceeded during August, 209. Mr. Teas and Mr. Merritt said that Microbac had not been sending the results of the samples being taken. Per the KPDES permit, all documentation required by the permit is at the responsibility of the permit holder to maintain and have available for review during inspections. Mr. Merritt said that he had emailed Microbac to have the plant operators added to the email list of lab analysis.

The plant and outfall were observed during the inspection. The plant appeared to be functioning properly and the outfall was clear and free of any solids.

Overall Compliance Status: Out of Comp- Viol documented

| Investigation Results |
|--|
| SI: AIOO3041 |
| SI Description: |
| Inspector Comment: |
| Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2] |
| Compliance Status: C-No Violations observed |
| Comment: No violations observed at the time of inspection. |

Requirement: Have all required permits been obtained from the Division of Water prior to the construction or modification of the facility? [401 KAR 5:005 Section 1]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: Todd Teas and Zach Roach both operate the WWTP.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]

Compliance Status: C-No Violations observed

Comment: Todd Teas and Zach Roach both operate the WWTP.

Requirement: Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the application for this permit, for the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to maintain required records. Lab analysis and chain of custody documentation, GPP, and DMRs were not made available for review at the time of inspection.

Requirement: Is the facility required to prepare and implement a groundwater protection plan (GPP) as specified in regulation 401 KAR 5:037? If yes, does the facility have a GPP? [401 KAR 5:037 Section 3]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: A GPP has not been developed or implemented. A GPP is required by the permit but was not made available for review at the time of inspection.

Requirement: Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: From the time JSA took control of the plant in August until the time of the inspection, all reports have been on time.

Requirement: Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? [401 KAR 5:015 Section 2]

Compliance Status: N-Not Applicable

Comment:

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:

(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;

(c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility is not being properly operated and maintained as required. Limits on DO and Nitrogen were exceeded during August of 2019.

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50,000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? [401 KAR 5:005 Section 12]

Compliance Status: N-Not Applicable

Comment:

Requirement: Is a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply? [401 KAR 5:005 Section 10(6)]

Compliance Status: N-Not Applicable

Comment:

Requirement: Has fencing with a lockable gate been installed around the wastewater treatment plant? [401 KAR 5:005 Section 10(7)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? [401 KAR 5:005 Section 10(8)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? [401 KAR 5:065 Section 2(4)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations? [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to comply with the effluent limitations contained in the permit. Limits on DO and Nitrogen were exceeded during August of 2019.

Requirement: Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? Are the samples representative of plant flow? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]

Compliance Status: C-No Violations observed

Comment: No violations observed at the time of inspection.

Requirement: Is the permittee in compliance with all permit conditions? [401 KAR 5:065 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to comply with the terms of the permit. Documentation required by the permit was not made available for review. DO and Nitrogen permit effluent limits were exceeded during August 2019.

Documentation

- | | |
|---|--|
| <input checked="" type="checkbox"/> Photos taken | <input type="checkbox"/> Record of visual determination of opacity |
| <input type="checkbox"/> Documents obtained from facility | <input type="checkbox"/> Samples taken by DEP |
| <input type="checkbox"/> Samples taken by outside source | <input type="checkbox"/> Regional office instrument readings taken |
| <input type="checkbox"/> Request for Submission of Documents | <input type="checkbox"/> Other documentation |

Inspector:



Date: 11-26-2019

Received By: _____ **Title:** _____ **Date:** _____

Delivery Method: USPS

Great Oaks WWTP

AI:3041

KY0080845

DOWCEI111219

by Campbell, Zachary (EEC)

Date: 11-21-2019



GREAT OAKS
WASTE WATER TREATMENT PLANT
OUTFALL #001
KPEDS # KY 0080845









